

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LEONARD C. JEFFERSON,
Plaintiff,

V.

C.A. NO. 04-44 ERIE

WILLIAM WOLFE, et al.,
Defendants.

MOTION OF INDIGENT PLAINTIFF FOR COURT TO SERVE COPIES
OF PLAINTIFF'S THIRD AMENDED COMPLAINT UPON THE TWELVE (12)
NEWLY NAMED DEFENDANTS IN THIS ACTION

AND NOW comes plaintiff, Leonard C. Jefferson, pro se, and in support of his motion to have the court serve copies of his Third Amended Complaint upon the twelve (12) new defendants named therein, plaintiff represents:

1. This court GRANTED plaintiff leave to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915 (b) as amended on April 26, 1996, in the above-captioned case, on or about the 22nd day of February, 2004.

2. On the 30th day of March, 2005 this court: (a) GRANTED plaintiff's motion for leave to file an amended complaint [Document # 35], and (b) ORDERED that plaintiff shall serve a copy of the Third Amended Complaint upon each of the original and additional Defendants, or their legal counsel, on or before April 18, 2005, and file a certificate of service with this Court verifying such service.

3. Plaintiff, being indigent, sought to reduce the expense of complying with the portion of the 03/30/05 Order which required him to serve a copy of the Third Amended Complaint upon each of the original and additional Defendants, or their legal counsel, by writing a letter to Deputy Attorney General Bareford, counsel for Defendants Wolfe and Beard, on April 12, 2005 which

asked Deputy Attorney General Bareford if he would be representing each of the additional defendants named in the Third Amended Complaint so plaintiff could determine if he had properly served each defendant by serving a copy of the Third Amended Complaint upon him (Dept. A.G. Bareford) on the 7th day of February, 2005. (A copy of plaintiff's 04/12/05 letter to the Deputy Attorney General is enclosed herein as EXHIBIT "A".)

4. Deputy Bareford did not respond to plaintiff's 04/12/05 letter until he did so indirectly in the Defendant's Response To Plaintiff's Second Declaration Of Default, which was filed on 05/19/05 and wherein he asserts, at ¶ 2:

"Pursuant to this Court's Order dated March 30, 2005 (Doc # 38), plaintiff was required to serve a copy of his third amended complaint upon each original and additional defendant on or before April 18, 2005, and file a certificate of service with this court verifying Service. Doc. # 38. Neither of which has been accomplished."

and again three paragraph later where he asserts, at ¶ 5:

"To the extent that a response is due by defendants Wolfe and Beard, counsel for defendants did anticipate that some number of the newly added defendants would also be represented by this office."

5. Plaintiff asserts that his extremely limited resources -- combined with defense counsel's indirect and vague response as to which of the twelve (12) additional defendants he would be representing along with defense counsel's insistence that plaintiff serve a copy of the Third Amended Complaint upon each original and additional defendant; which would clearly be redundant service upon those defendants whom defense counsel presently knows he will represent in this action -- leave plaintiff with no option to accomplish the service of his Third Amended Complaint upon each original and additional defendant except to ask this court, pursuant to 28 U.S.C. § 1915 (c), to perfect service of the Third Amended Complaint upon each original and additional defendant or upon counsel for said defendants.

WHEREFORE: due to the facts stated above plaintiff respectfully asks this Court, pursuant to 28 U.S.C. § 1915 (c), to serve copies of his Third Amended Complaint upon the original and additional defendants or upon counsel for said defendants.

Respectfully submitted

Leonard C. Jefferson

Leonard C. Jefferson, pro se

I hereby certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, belief and understanding.

EXECUTED THIS 5TH DAY OF JULY, 2005 AT ALBION, PENNSYLVANIA.

Leonard C. Jefferson

Leonard C. Jefferson

Dated: July 5, 2005

Leonard C. Jefferson, CL-4135
10745 Rt. 18
Albion, PA 16475-0002
April 12, 2005

Christian D. Bareford
Deputy Attorney General
OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

RE: SERVICE OF COPY OF THIRD AMENDED COMPLAINT UPON DEFENDANTS
IN LEONARD C. JEFFERSON (Plaintiff) V. WILLIAM WOLFE, then
Superintendent of SCI-Albion; JEFFREY A. BEARD, Secretary of
Pennsylvania's Department of Corrections; GLENN MCQUOWN, then
Facility Chapel Program Director; ROBERT BOEH, then Inmate
Program Manager; PATRICIA GAMBLE, Unit Counselor; MICHAEL
SNYDER, Unit Counselor; PATRICIA MCKISSOCK, Unit Manager;
TIMOTHY HAMETZ, then Unit Manager; THOMAS L. JAMES, then
Chief grievance coordinator in the Secretary's Office; SHARON
M. BURKS, Chief Grievance Coordinator in the Secretary's Office;
BARRY LOBDELL, Correctional Officer; C.O. CLEMENT; IVORY
BARNETT, then Misconduct Hearing Examiner; and, ZACHARY
MOSLAK, then Misconduct Hearing Examiner (Defendants) in C.A.
NO. 04-44 ERIE.

Dear Mr. Bareford:

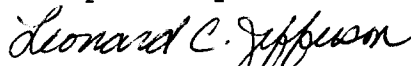
As you know, the March 30, 2005 ORDER in the above-captioned action ordered me to serve a copy of my THIRD AMENDED COMPLAINT upon each defendant named therein.

In light of the fact that all of the defendants in this action are currently, or were at the relevant times, employees of Pennsylvania's Department of Corrections; I believe I fulfilled my obligation to properly serve each defendant named in the caption above -- on the 7th day of February, 2005 -- by serving a copy of my THIRD AMENDED COMPLAINT upon you, Mr. Bareford, via first class mail.

Please inform me if you will be representing each of the defendants named in the THIRD AMENDED COMPLAINT so I may determine if I have, in fact, properly served each defendant in this action.

Thank you for your attention to this request.

Respectfully


Leonard C. Jefferson

CC: file
Clerk's Office

EXHIBIT "A"

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion Of Indigent Plaintiff For Court To Serve Copies Of Plaintiff's Third Amended Complaint Upon The Twelve (12) Newly Named Defendants In This Action was sent via first class mail to Deputy Attorney Christian D. Bareford at OFFICE General OF ATTORNEY GENERAL, 6th Floor, Manor Complex, 564 Forbes Avenue, Pittsburgh, Pennsylvania 15219 on this 6th day of July, 2005.

Leonard C. Jefferson

Leonard C. Jefferson, CL-4135
SCI-Albion
10745 Rt. 18
Albion, PA 16475-0002

Leonard C. Jefferson, CL-4135
10745 Rt. 18
Albion, PA 16475-0002
July 6, 2005

Robert V. Barth, Jr.
Clerk of Courts
U.S. District Court
P.O. Box 1820
Erie, PA 16507

RE: JEFFERSON V. WOLFE, ET AL., C.A. NO. 04-44 ERIE

Dear Clerk:

Would you please file the enclosed Motion Of Indigent Defendant For Court To Serve Copies Of Plaintiff's Third Amended Complaint Upon The Twelve (12) Newly Named Defendants In This Action in the above-captioned case. Thank you for your attention to this matter.

Respectfully

Leonard C. Jefferson
Leonard C. Jefferson

CC, w/enc: Deputy Attorney General Christian D. Bareford